

PUBLIC HEARING
NEW JERSEY STATE
AGRICULTURE DEVELOPMENT COMMITTEE

RE:) TRANSCRIPT OF
) PROCEEDINGS:
PROPOSED CONDEMNATIONS WITHIN)
AN AGRICULTURAL DEVELOPMENT)
AREA: Block 12, Lot 4, 226)
Drakestown Road (Smith Farm))
and Block 20.10, Lot 44, 172)
Flocktown Road (Searles)
Farm).)

— — — — —)
Washington Township Municipal
Building
43 Schooley's Mountain Road
Long Valley, New Jersey
Monday, August 23, 2010
7:05 p.m.

B E F O R E:

SUSAN E. CRAFT,
EXECUTIVE DIRECTOR

TIMOTHY A. BRILL, PP, AICP,
PLANNING MANAGER

BRIAN D. SMITH, ESQ.,
CHIEF OF LEGAL AFFAIRS

JASON T. STYPINSKI, DAG,
FOR THE STATE OF NEW JERSEY

Reported by:

Michelle Gruendel, CCR

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1 MS. CRAFT: Okay. We'll get
2 started. I appreciate everyone's patience while
3 we've made some copies. I think everyone's here.
4 If you have not signed up, please do so, if you
5 want your presence recorded at this hearing, and
6 certainly if you plan to speak or testify tonight,
7 we need you to please sign in and indicate that on
8 the sheet. I'm going to sit down because I'm
9 going to read for a little while.

10 First of all, good evening and
11 thank you all for coming out tonight. I'd say
12 it's too bad that it's raining, but actually, I
13 think we're all going to be glad that it's
14 raining.

15 Okay. I'd like to start this
16 hearing with a reading of the Open Public Meeting
17 Notice.

18 Pursuant to the Open Public
19 Meetings Act and the Agriculture Retention and
20 Development Act, adequate public notice of this
21 public hearing has been provided by giving the
22 written notice of the time, date, location and the
23 agenda. On August 17th, 2010 such notice was
24 provided to the Times of Trenton, the Newark Star
25 Ledger, the Camden Courier Post, the Morristown

1 Daily Record, the Observer Tribune and faxed to
2 the Office of the Secretary of State. It has also
3 been posted on the public announcement board,
4 third floor, Health/Agriculture Building, John
5 Fitch Plaza, Market and Warren Streets, Trenton,
6 New Jersey and mailed to all parties directly
7 involved in the matter, including but not limited
8 to the Washington Township MUA, both landowners
9 affected by the proposed action, Mr. Robert Smith
10 and Miss Helen Searles, and the Morris County
11 Agriculture Development Board.

12 My name is Susan Craft and I'm the
13 Executive Director of the New Jersey State
14 Agriculture Development Committee. Members of the
15 Committee present tonight include Dr. Stephen Dey
16 in the front row. Dr. Dey, thank you for coming.
17 Staff members present include Tim Brill, the
18 helpful fellow in the back, and he's our Planning
19 Manager and handles all planning related matters
20 for the SADC. To my left is Brian Smith, Esq.,
21 Chief of Legal Affairs, and to his left is Jason
22 Stypinski, Esq., Deputy Attorney General for the
23 State of New Jersey, representing the SADC.

24 With regard to the meeting format,
25 I will provide a description of the format for

1 tonight's proceedings and I will read a summary of
2 the matter as understood by the SADC to date.
3 After my concluding statements, both the
4 landowners affected by the proposed taking, as
5 well as representatives of the MUA, will be
6 afforded the opportunity to speak. When they
7 conclude we will open the hearing up to the public
8 for comment and testimony.

9 Tonight's proceedings are a public
10 hearing on the proposed condemnation of a portion
11 of two farms within the Morris County Agriculture
12 Development Area, and we will refer to this all
13 night as ADA, by the Washington Township Municipal
14 Utilities Authority. The properties in question
15 are located in Washington Township, Morris County,
16 and are comprised of Block 12, Lot 4, the Smith
17 Farm, and Block 20.10, Lot 44, the Searles Farm.

18 The purpose of this hearing is to
19 allow the parties to the proposed condemnation,
20 and the general public, the opportunity to be
21 heard on the record regarding this matter so that
22 the SADC has the benefit of all pertinent input,
23 ideas and opinions prior to finalizing its report
24 on the subject as required under the statute.
25 Please be advised these proceedings do not

1 constitute a public meeting of the SADC, nor is a
2 quorum of the SADC present. As such, the SADC
3 will not be taking any action during this hearing.

4 Please be advised that a court
5 reporter, as you can see, is present and will be
6 recording the entirety of the hearing. The SADC
7 will obtain a final written transcript of the
8 hearing which will act as the official record of
9 this proceeding.

10 Any member of the public who
11 intends to provide testimony or comments must
12 indicate his or her desire to do so on the sign-in
13 register located in the back of the room. Even if
14 you do not wish to speak, we ask that you please
15 sign the register so that we may properly record
16 your presence at the hearing.

17 A person providing testimony or
18 comments must begin by stating his or her name and
19 address, please.

20 Each witness will then be sworn in
21 by the court reporter prior to beginning their
22 testimony. As such, it is important that anyone
23 providing testimony be as truthful as possible.

24 The Washington Township MUA and the
25 owners of both farms will be afforded 15 minutes

1 each to summarize their respective issues.

2 Each member of the public who
3 registered will then be afforded five minutes to
4 provide testimony or comments. If any time
5 remains after the close of all public comments,
6 the SADC reserves the right to allow for any
7 additional comments.

8 All documents provided at the
9 hearing will be numbered as exhibits. Documents
10 previously provided to the SADC by the parties to
11 the condemnation need not be reintroduced at the
12 hearing.

13 Finally, tonight's hearing will not
14 be a "question and answer" type of meeting and
15 there is no obligation on the part of any party to
16 answer questions that may be asked by members of
17 the public. SADC staff will provide clarity
18 regarding procedures as necessary but will also
19 not participate in a dialogue with the public or
20 the parties to the proposed condemnation.

21 SUBMISSION OF ADDITIONAL COMMENTS:

22 Written comments may also be
23 submitted no later than September 10, 2010 to the
24 following address: My name, SADC, PO Box 330,
25 Trenton, New Jersey 08625, and our phone numbers

1 are set forth on the paper. If you do not have a
2 copy of this we will certainly be able to make one
3 available to you. My comments are contained in
4 this document, as I'm sure you're noticing, so
5 that everybody can have a copy.

6 PURPOSE OF HEARING/STATUTORY REQUIREMENTS:

7 The SADC is holding this hearing
8 pursuant to the Agriculture Retention and
9 Development Act, New Jersey Statutes Annotated
10 4:1C-19, which states:

11 Any public body or public utility
12 which intends to exercise the power of eminent
13 domain or condemnation within an agricultural
14 development area, again, ADA, must file a Notice
15 of Intent with the County Agriculture Development
16 Board and the SADC 30 days prior to the initiation
17 of the eminent domain action; and

18 The notice must contain a statement
19 of the reasons for the acquisition and an
20 evaluation of all alternatives outside of the ADA.

21 The CADB and the SADC must review
22 the Notice of Intent and determine whether the
23 proposed action will have an unreasonably adverse
24 effect on the ADA or upon State agricultural
25 preservation and development policies. If the

1 CADB or the SADC finds that the proposed action,
2 in this case condemnation for a public well, would
3 cause unreasonably adverse effects on the ADA or
4 State agricultural preservation and development
5 policies, the CADB or the SADC may direct that no
6 action be taken thereon for 60 days. During the
7 60-day period a public hearing must be held by the
8 CADB or the SADC. Following the public hearing a
9 written report containing the recommendations of
10 the CADB or SADC concerning the proposed action
11 will be made public.

12 Okay. Section V is titled Eminent
13 Domain or Condemnation Action, so I'm going to
14 provide a brief summary of the events to date
15 because this has taken a very long time, to get to
16 this point in time, so please bear in mind this is
17 a summary of what's happened during the last
18 year-and-a-half or so.

19 On August 24th, 2009 the Washington
20 Township MUA filed an NOI for the Smith Farm and
21 on September 1st, 2009 an NOI for the Searles
22 Farm. By filing an NOI the Washington Township
23 MUA took action to condemn portions of the Smith
24 and Searles farms for wells, well piping and well
25 housing.

1 After review of the respective
2 NOI's the SADC deemed both to be incomplete on
3 four separate occasions. The Washington Township
4 MUA provided additional information on January
5 26th, 2010, March 2nd, 2010, March 22nd, 2010 and
6 June 8th, 2010. Ultimately, on June 22nd, 2010
7 the SADC deemed the NOI to have satisfied the
8 requirements of SADC regulations and scheduled the
9 review for the July 22nd, 2010 SADC meeting.

10 On December 30th of 2009 the
11 Washington Township MUA filed in court for the
12 condemnation of 0.83 acres of the Smith Farm,
13 prior to the CADB or SADC deeming the NOI complete
14 or sufficient.

15 With respect to the SADC's
16 determination, pursuant, again, to the same
17 Agriculture Retention and Development Act, on July
18 22nd of this year the SADC reviewed the NOI and
19 determined by unanimous vote that the Washington
20 Township MUA's proposed action involving the Smith
21 and Searles farms would cause unreasonably adverse
22 effects on two things:

- 23 1. Preservation and enhancement of
24 agriculture in the ADA; and
25 2. Upon the overall State

1 agricultural preservation and development
2 policies.

3 The reasons that served as a basis
4 for the SADC's findings of unreasonably adverse
5 effects are set forth in the SADC resolution dated
6 July 22nd, 2010 and include the following:

7 1. New Jersey DEP records indicate
8 that the Washington Township MUA has been
9 operating the Schooley's Mountain water system
10 with a growing and unacceptably high rate of
11 unaccounted water loss approaching 40 percent of
12 the system's production, which is well above the
13 NJDEP acceptable standards maximum limit of 15
14 percent; and

15 2. The Washington Township MUA has
16 not adequately demonstrated through its analysis
17 of alternatives which would not include action in
18 the ADA that a combination of water distribution
19 system improvements, reductions in the system's
20 rate of water loss and additional wells outside
21 the ADA, including the well on the Scheffler
22 property, could address the water needs of
23 affected customers in the Schooley's Mountain
24 area; and

25 3. The community wells will likely

1 impact the existing and future agricultural
2 activities on both the Smith and Searles farms
3 beyond the 50 foot radius buffers, pipe easements
4 and well houses described in the Washington
5 Township MUA's Notice of Intent, including
6 limitations on the use of new wells or ponds for
7 agricultural irrigation, application of
8 fertilizers, pesticides and herbicides, and the
9 construction of fuel storage facilities and septic
10 systems; further, potential additional buffer
11 requirements of up to 500 feet or 200 days time of
12 travel, whichever is greater, will restrict, if
13 not prohibit, livestock operations and other
14 activities on the farms classified as major
15 pollutant sources pursuant to New Jersey DEP
16 regulations; and

17 4. The proposed community wells on
18 the Smith and Searles farms will also be likely to
19 negatively impact the viability of other nearby
20 farms in the Morris County ADA, including the two
21 permanently preserved farms immediately adjacent
22 to the Smith Farm, known as the Fellows and Burd
23 farms, and the permanently preserved Plut farm,
24 which is approximately 700 feet from the Searles
25 farm, as shown on Schedule A, where the public has

1 already invested significant funding to preserve
2 the opportunity for a variety of agricultural uses
3 in perpetuity; and

4 5. The Washington Township MUA
5 initiated its action to develop wells on the Smith
6 and Searles farms in violation of the Agriculture
7 Retention and Development Act, including
8 applications for NJDEP well permits without proper
9 landowner consent on the Smith and Searles farms,
10 the drilling of a test well on the Smith farm and
11 filing for condemnation of a portion of the Smith
12 farm prior to the submission of a complete NOI to
13 the Morris CADB and the SADC; and

14 6. The Washington Township MUA's
15 ability to obtain well permits and drill a test
16 well in an ADA prior to compliance with the
17 provisions of N.J.S.A. 4:1C-19 demonstrates a need
18 to improve NJDEP procedures to insure permit
19 applicants comply with the statute prior to the
20 issuance of the drilling permits.

21 On July 26th, 2010 a letter
22 reflecting this SADC decision was sent to the
23 Washington Township MUA. The letter also informed
24 the MUA that the SADC would schedule a public
25 hearing regarding the MUA's proposed actions and

1 directed the MUA to take no action for 60 days
2 with regard to its condemnations to allow for a
3 public hearing and the issuance of a written
4 report containing the SADC's recommendations.

5 We're here tonight as part of that
6 process, which will culminate in the issuance of a
7 report by the SADC and Section VII on page nine
8 includes that.

9 Tonight's proceedings are intended
10 to satisfy the statutory requirement of conducting
11 a public hearing within 60 days of the SADC's
12 action. At the conclusion of this public hearing
13 the SADC will issue its findings in accordance
14 with the statute. A written report containing the
15 recommendations of the SADC concerning the
16 Washington Township MUA proposal will be presented
17 to the SADC for approval at a public meeting of
18 the SADC to be held on or before September 20th,
19 2010.

20 All persons whose names appear on
21 the sign-in register will be provided notice of
22 the date and time of that SADC public meeting as
23 soon as it is known. A copy of the SADC's final
24 report on this matter will be made available on
25 the agency's website immediately following its

1 approval by the SADC.

2 This concludes the SADC's opening
3 statement. Are there any procedural questions
4 from the audience before we commence with the
5 hearing?

6 Yes, sir.

7 PUBLIC MEMBER: Will there be some
8 form of response on behalf of the SADC should the
9 public ask questions that need clarification?

10 MS. CRAFT: To the extent we can,
11 yes. You know, we will accept whatever questions
12 are raised. If they are pertinent to our
13 deliberations, then we would certainly try to get
14 answers to those questions and incorporate them
15 into our findings.

16 Okay. Any other questions?

17 All right, so then I'll get myself
18 on schedule here. It's 7:26. First we'd like to
19 invite representatives of the MUA up, I know
20 you're present, if you'd like to make a
21 presentation tonight.

22 MR. PLATT: I have a brief
23 statement to make, please.

24 FLETCHER M. PLATT, JR., having been first duly
25 sworn according to law, testified as follows:

1 MR. PLATT: My name is Fletcher M.
2 Platt, Jr. I'm the temporary Executive Director
3 of the Washington Township MUA. I've also been a
4 resident of Washington Township for 41 years.
5 We'd like to thank you, very much, for this
6 meeting tonight and thank you for the opportunity
7 to speak. As a resident of the Township I
8 certainly appreciate and support your efforts to
9 preserve agriculture in this community and
10 maintain the character which brought me here and
11 keeps me here, so thank you, very much, for that.

12 In my new role, I've been temporary
13 Executive Director for three weeks, I have not had
14 an opportunity to go through all of the documents
15 that have been submitted. As a resident and as a
16 prior consultant for water supply and waste water
17 services to the MUA, I'm aware of the general
18 needs of the Washington Township MUA for water
19 supply. My first home was serviced by the, by the
20 Schooley's Mountain water supply system. I was
21 there for nine years and now I'm on a private
22 well. The history of water supply inadequacy on
23 the mountain is well-documented. The records that
24 were submitted, the documents that were submitted
25 to the State Agriculture Committee I am not aware

1 of, I haven't had a chance to review them all yet,
2 but there is a long history of need and that is
3 why the Washington Township MUA took aggressive
4 action to try to preserve a rare opportunity for a
5 large capacity well, and that was based on
6 extensive geologic studies from over two decades.
7 The sources, the locations that were identified
8 are unique. They weren't haphazardly defined.
9 They were established by -- they're in fault zones
10 where there is a -- was a high likelihood of
11 finding a substantial source of water supply. A
12 test well was dug, as you, as you stated, and a
13 300 gallon a minute well based on a very
14 preliminary pump test was found, which is unique.
15 The mountain is currently supplied by nine wells
16 that range in capacity from 25 gallons per minute
17 up to 150 gallons per minute, so it is very unique
18 in the Highlands region. A defined well of this
19 quality and this capacity, it is in a fracture
20 zone of the hard rock formations at the top of the
21 mountain. We are disappointed at the position
22 taken by the State Agricultural Committee. We
23 were hopeful we could find a way to work together
24 to meet the needs of the existing residents of our
25 system on Schooley's Mountain. We felt we could

1 do that and also preserve the farmlands, which I
2 think most of the residents here in Washington
3 Township endorse or promote. Based on the
4 statements you made tonight, the basis for the
5 denial, we will submit additional documentation in
6 writing and try and clarify some of the points
7 that you've made and respond specifically to them.

8 Again, I'd like to thank you for
9 the opportunity to make this statement. Thank you
10 for coming to Long Valley, Washington Township,
11 and please keep up your efforts to preserve
12 farmlands in our community.

13 MS. CRAFT: Any other comments on
14 behalf of the MUA?

15 MR. PLATT: Don't think so.

16 MS. CRAFT: Okay. Thank you.

17 I'd like to provide an opportunity
18 for the Smith farm representatives to make a
19 presentation or comment, if they so desire.

20 MR. SMITH: Yes. I'm Robert
21 Smith.

22 MS. CRAFT: Could you stand up,
23 please?

24 MR. SMITH: I'm getting old and
25 I -- can I sit down over here?

1 MS. CRAFT: Sure.

2 ROBERT SMITH, having been first duly sworn
3 according to law, testified as follows:

4 MR. SMITH: My name is Robert
5 Smith, 226 Drakestown Road, Hackettstown, New
6 Jersey.

7 Tonight I'd just like to introduce
8 into the record this -- a few engineering reports
9 that are currently in the record, but I want to
10 highlight a few notations in each of the reports.

11 The first report I want to discuss
12 briefly is the D.J. Egarian & Associates report
13 dated June 8th, 2010, and the highlighted area I
14 want to raise at this meeting tonight is that the
15 engineer in the Hardy Cross analysis found that
16 the High Ridge tank or tower has a significant
17 amount of dead storage, 75 percent is dead due to
18 the minimum water elevation requirement to service
19 the homes, and it also continues to state that the
20 same situation is true for the Naughtright tank,
21 which has 76 percent of its storage that is
22 unavailable for use for water supply for homes and
23 for fire suppression. By stating these two
24 highlighted statements, I just want to introduce
25 them to the reports and that it's just not the

1 fact that there isn't not enough water, it's
2 largely due to the fact that the engineering and
3 existing wellheads and stuff are not utilized to
4 their full potential and this simply one report
5 says they're only utilizing 25 percent and 26
6 percent of both standpipes and storage facility
7 tanks.

8 A real easy one is the New York
9 Leak Detection report dated July 2nd, 2009. It's
10 a leak survey within the Schooley's Mountain water
11 district. They've come to the conclusion that the
12 annual loss of water is 5,694,000 gallons and when
13 the Township gets around to fixing these leaks the
14 Township will save a large amount of water and
15 will also save collecting some revenue from that
16 source.

17 The next engineering report that I
18 want to introduce that's interesting to me and I
19 hope to others is another D.J. Egarian &
20 Associates report dated February, 2010. Again,
21 the highlighted areas are, number one, the high
22 capacity transfer pumps would transfer water to
23 the High Ridge system for fire support.
24 Basically, this report talks about two 400 gallon
25 per minute pumps that would transfer water from

1 the Naughtright tank to the High Ridge system and
2 meet all needs and demands, both fire and personal
3 consumption throughout the district. The second
4 point made by the engineer is that an emergency
5 condition, and it's highlighted, an emergency
6 condition such as the water shortage of May, 2007
7 would not have occurred if such pumps were in
8 place, these two 400 gallon permitted pumps at
9 each of these towers. The pumps in phase one and
10 two would be controlled by new field -- via a new
11 field instrument system and enhanced by
12 Supervisory Control and Data Acquisition control
13 systems at a central location. He also cited that
14 the hydraulic model found two points in the
15 system, one at St. Mary's Parish and one at
16 Chestnut Street, where water main extensions would
17 significantly improve water distribution and flow
18 throughout the area.

19 Another interesting point at the
20 High Ridge tank, it has the capacity of 770,000
21 gallons but only an approximate usable capacity
22 for 191,000 gallons are used, which is basically,
23 this tank volume is only 25 percent utilized and
24 so stated by the engineer.

25 In the recommendations, it is

1 possible to satisfy the conditions and provide
2 regular, regular and fire service with the High
3 Ridge tank down. This will be done by altering
4 the way the system is operated and adding key
5 mechanical equipment and water main extensions.
6 We recommend the work be done in two phases. He
7 goes on to say that this may be done by installing
8 a modulating valve at the Naughtright tank and a
9 pressure transducer at the Naughtright tank service
10 area piping system.

11 Just a few more. This is his
12 recommendation, he says the current transfer pumps
13 are not large enough to provide fire flows. We
14 recommend installing two 400 GPM pumps to do this,
15 and the pumps would also be backed up by emergency
16 generators.

17 An additional pressure transducer
18 would be installed at the High Ridge system. If
19 the system pressure drops due to the fire demands,
20 the Naughtright pumps would energize and transfer
21 water. If the system pressure drops due to a
22 water main break, the pumps would shut down
23 manually and the computer system would take over
24 to correct the situation.

25 He finally states that the -- we

1 recommend retaining the two existing transfer
2 pumps for the Naughtright tanks. Wells SM 7, 10
3 and 19 are not sufficient to cover demands. Also,
4 about 50,000 gallons of working storage water
5 could be made available to supplement the High
6 Ridge demand. Running four cycles at 50,000
7 gallons per cycle would add an additional 200,000
8 gallons for usage, and his system would also
9 provide the safety measure of allowing a minimum
10 of 90,000 gallons of water would also be kept in
11 reserve at the Naughtright tank.

12 Again, he seems to think quite a
13 bit of the model and the distribution points at
14 the St. Mary's Parish and Chestnut Street. He
15 also states that he has -- we have identified
16 597,000 gallons of dead storage in the High Ridge
17 standpipe that could be utilized through the
18 construction of a new pump station. The changed
19 operation of the High Ridge and Naughtright systems
20 will allow access to water under emergent
21 conditions while still providing fire water
22 storage.

23 I'm introducing this into the
24 record because he doesn't mention anything about
25 exploring for new wells. He does allude to the

1 fact that current wells could be modified and that
2 the standing storage tanks would improve their
3 distribution by the installation of 400 gallon per
4 minute pumps, but I just wanted to get that into
5 the record.

6 MS. CRAFT: Mr. Smith, that's D.J.
7 Egarian?

8 MR. SMITH: Yeah. D.J., capital
9 E-G-A-R-I-A-N, Egarian & Associates.

10 MS. CRAFT: And what's the date of
11 that?

12 MR. SMITH: The date -- there are
13 two letters, one dated June 8th, 2010 and one
14 dated February, 2010.

15 I'd like to also state at this
16 point in time on March 11th at the Morris County
17 Preservation Ag Board Mr. Costic was asked about
18 these engineering reports and others and he was
19 asked specifically if the Township has implemented
20 any of the suggestions or any of these engineering
21 models into the current system and his testimony
22 was no, none of these recommendations have been
23 implemented into the, into the current or future
24 system.

25 One last report is the CMX report.

1 It's dated November 5th, 2007. It's a few months
2 after the May, 2007 incident at the Woods Complex
3 on Naughtright Road. The reason for wanting to
4 introduce this report with the highlights, it
5 basically starts off that he, he says that the
6 capacity be improved on existing wells by
7 re-drilling or redeveloping these wells, or you
8 could drill a new well at 150 gallon a minute
9 production well within the Schooley's Mountain
10 water system, and coincidentally, this is the
11 projected future deficit. This is this
12 individual's statement, Mr. David Applegate. Also
13 on this, which is an interesting point of view,
14 the Schooley's Mountain total service area for
15 water storage capacity reserves amount to about
16 660,000 gallons. Wooded Valley, a project
17 consisting of 39 dwellings, use approximately --
18 of that storage reserve, approximately 305
19 gallons. All those subscribers -- all other
20 subscribers on the Schooley's Mountain water
21 system use 330,000 gallons, and this is due
22 primarily to the fact that Wooded Valley has
23 underground sprinkle systems for their lawns and
24 shrubs. The Washington Township MUA in the
25 minutes of March, March 11, 2010 stated that the

1 average family uses approximately 300 to 400
2 gallons a day, while the people in Wooded Valley
3 use between 1,500 and 3,000 gallons, and Mr.
4 Costic noted that this sometimes is almost as much
5 as five or 10 times the other subscribers to the
6 system.

7 One other point of view that I want
8 to bring out is that way back in 2007 it was
9 completely made known to the MUA that everything
10 in Washington Township is in the Highlands
11 Preservation Area and it's affected by the
12 Highlands Act. You need waivers or exemptions.
13 He stipulates and states that you usually face a
14 minimum of six months to get your project at least
15 into the hands of the Highlands Council for
16 review.

17 Also, in this report he lists seven
18 or eight block and lots which are highlighted in
19 the engineering report which I submitted and all
20 of these have adequate water supply on the block
21 and lots. They're also deemed suitable for
22 additional water towers and none of them are
23 preserved farms, none of them are the preserved
24 four farms that were entered onto last year by the
25 MUA, and one other statement I just want to say in

1 ending pertaining to condemnation and condemnation
2 of new and existing water supply, it's completely
3 legislated and given control, the management of,
4 to the Department of Environmental Protection.

5 Just one last statement regarding
6 the power of eminent domain as set forth in the
7 Water Supply Management Act. It states as
8 follows: Condemnation for new or additional
9 supply of water needs approval by the Department,
10 meaning the DEP, and no person supplying or
11 purporting to supply water to any other person
12 shall have the power to condemn land, water or
13 water privileges for any new or additional source
14 of ground or surface water until that person has
15 first submitted to the Department an application
16 for approval to divert the source of water and
17 that the Department has approved the application
18 subject to such conditions as it may be determined
19 to be necessary to protect public health and
20 safety. The above provision clearly requires an
21 application to be submitted to, to the DEP prior
22 to the institution of any condemnation action and
23 that simply has not occurred in my case.

24 Thank you, very much.

25 MS. CRAFT: Thank you, sir.

1 Is anyone present from the Searles
2 farm, representing the Searles farm that would
3 like to speak?

4 Okay. Seeing none, is there anyone
5 in the audience who has not signed in and wishes
6 to speak?

7 MR. STOCKER: I signed in but I
8 didn't want to speak.

9 MS. CRAFT: Okay. What's your
10 name?

11 MR. STOCKER: John Stocker,
12 S-T-O-C-K-E-R, located at 15A Spring Lane, Long
13 Valley, New Jersey.

14 MS. CRAFT: Okay. So what I'd like
15 to do, at this point in time I'm just going to go
16 right down the list and if you checked off that
17 you'd like to speak, we're going to take them in
18 the order on the sign-in sheet. I'll remind
19 everyone, please try to confine your comments to
20 five minutes. Again, depending how we do, if some
21 folks have more they want to say after that five
22 minutes -- we want to give everyone the chance to
23 speak, so if there's time left we'll come back and
24 you can redress the Committee.

25 Okay. The first person that has

1 checked yes is Donald Barcan. Is that correct?

2 MR. BARCAN: Yes.

3 MS. CRAFT: Could you please just
4 come forward a little bit so she can hear you?

5 MR. BARCAN: Okay.

6 MS. CRAFT: Thank you.

7 DONALD BARCAN, having been first duly sworn
8 according to law, testified as follows:

9 MR. BARCAN: Last name is Barcan,
10 spelled B-A-R-C-A-N, and I'm at 79 Wehrli Road,
11 Long Valley, New Jersey.

12 My only comment, and this is really
13 the first opportunity that I have become aware of
14 the situation, is that due diligence be performed
15 with regard to the impact of this on the existing
16 homeowners who have private wells. I was looking
17 at some of the literature where -- and I think the
18 MUA person spoke about this well, or the test
19 well, talking about the -- in terms of 300 gallons
20 per minute, and I also was under the impression
21 that the major concern was to provide adequate
22 water for the 12 houses that seem to have been
23 without or have water problems. My main concern,
24 and I'm sure my neighbors would echo the same
25 concern, is that our wells are probably in the

1 area of being 100 to 200 feet deep, and in my case
2 my well delivers about five gallons per minute. I
3 do no watering of the lawns because I'm in a
4 wooded lot to begin with, so my utilization water
5 is just strictly what normal homeowners would
6 utilize, and I -- washing a car is foreign to me.
7 I don't do that either. I, I don't think 12
8 houses need 300 gallons per minute, although
9 that's the capacity of the well. It doesn't mean
10 that's how much is gonna' come up. I don't know,
11 but with that, my main point is my house was built
12 in the early 1980's, and my neighbors were around
13 that time, too, and I don't think the wells were
14 sunk very deep, so if we're -- if they get
15 approval to draw this much from the aquifer, and I
16 don't have a clue as to whether the Smith location
17 or the Searles location is on the same aquifer
18 that mine is, and I don't know if anybody knows
19 that, but I would just be concerned about my
20 running out of water and what the, what kind of
21 indemnification would the Township have if my
22 neighbors and myself were to run out of water. Is
23 the Township going to pay or the State or the
24 County paying the \$20,000 it would take to drill a
25 deeper well? Should that be my problem? Because

1 I've had water supply that satisfied my needs at
2 five gallons a minute for the 16 years that I've
3 been a resident here in this Township. I don't
4 think that myself or my fellow owners should,
5 should be placed in risk, if that's the situation
6 that would occur, and I thank you, so much, for
7 listening to me.

8 MS. CRAFT: Thank you, very much.

9 The second person I have listed is
10 John May, perhaps, or Moy, 26 Church Road.

11 MR. MAY: Yes. It's John May.

12 MS. CRAFT: Could you please come
13 forward, sir?

14 MR. MAY: It's John May, 26 Church
15 Road, the mailing address is Hackettstown. It's
16 M-A-Y.

17 JOHN MAY, having been first duly sworn according
18 to law, testified as follows:

19 MR. MAY: After reading these
20 documents in here, that the -- the only thing I
21 can say is that the MUA must be very embarrassed.
22 I mean, this is pitiful. What it comes down to is
23 somebody's trying to steal somebody else's land,
24 and I'm embarrassed to live in a town that deals
25 with stuff that way. It's just terrible. I mean,

1 I'm right on the hill. I'm Robert's neighbor. I
2 would worry about my well if you were going to
3 pump out of there. This is just, it's vulgar to
4 me. That's about all I can say. Thank you.

5 MS. CRAFT: Thank you, sir.

6 Okay. The next person is Mr.
7 Stocker, John Stocker.

8 MR. STOCKER: Yup. The name is
9 John Stocker, 15A Spring Lane, Long Valley, New
10 Jersey.

11 JOHN STOCKER, having been first duly sworn
12 according to law, testified as follows:

13 MR. STOCKER: Okay. May I say that
14 I live on 15A Spring Lane and I live back in --
15 off of a dirt road that is frequently used, daily,
16 by the MUA because I have a town well that's less
17 than 100 feet from my private well. I have a
18 shallow well. I fortunately never had any
19 problems with that, but my question to the MUA
20 would be this, why condemn farmland when you've
21 got a school right next to the Smith farm that's
22 town owned property? Secondly, by the Searles'
23 property you have the Flocktown Road School.
24 There's another area where you could drill your
25 well. Why go after people's land when you've

1 already got Township properties? Right out from
2 me there's a Township owned lot and that's right
3 next door. That's owned by the town. They don't
4 use it. It sits there. Then I drive down
5 Reservoir Road in the morning and I watch these
6 beautiful houses down there watering their lawns
7 when right next to them is a sign, water
8 restrictions. Why don't you stop that? There's
9 houses that water their lawns on Spring Lane. Why
10 don't you stop that? You could save a lot of
11 water. When I wash my car I take it to a car
12 wash. I pay to have it washed. I have my own
13 private well. I've been up on that mountain
14 50-some years. We've had a lot of good
15 neighbors. We've taken care of our water up
16 there. We don't need people stealing it. I think
17 that's enough.

18 MS. CRAFT: Thank you, sir.

19 If I failed to say it before, could
20 you please check your cell phones and make sure
21 they're off?

22 Is this everything?

23 MR. BRILL: Four.

24 MS. CRAFT: Oh, four, okay.

25 Okay. Mr. Gruther, is it?

1 MR. BRILL: Grather.

2 MS. CRAFT: Mr. Grather, you are
3 the last person that's indicated an interest in
4 testifying. I know you're representing Mr.
5 Smith. Did you want to have some time to make
6 additional comments?

7 MR. GRATHER: I'm going to make
8 some comments. I'm not going to testify, though.
9 Should I come now?

10 MS. CRAFT: Please come forward,
11 yup.

12 MR. GRATHER: Good evening, Members
13 of the Board and the public. My name is Joseph
14 Grather, G-R-A-T-H-E-R. I'm with the Law Firm of
15 McKirdy and Riskin. I represent Bob Smith in the
16 pending condemnation action. I just wanted to
17 make a few comments to the Board and to the
18 public, very brief.

19 My law firm was hired by Bob Smith
20 after the Washington Township MUA filed the
21 condemnation to acquire a portion of his property
22 in the Township. The new temporary Executive
23 Director of the MUA testified that the MUA took
24 aggressive action, and they did take aggressive
25 action. They filed the condemnation before the

1 SADC had an opportunity to review the NOI and
2 before the Morris County Agricultural Development
3 Board had an opportunity to review the NOI, before
4 the DEP gave them approval for a well, before the
5 Highlands Council reviewed their applications. I
6 would call that aggressive action action without
7 lawful authority, and we're going to be -- we have
8 challenged the condemnation which is pending
9 before a Judge Bozonelis in Morris County and
10 currently the return date has been pushed back to
11 October to allow the SADC to complete its review.
12 I would note that we're going to submit a written
13 submission before your deadline to assist the
14 Board in making its decision, but I would ask the
15 Board to act consistent with its July 22nd, 2010
16 resolution, which is also consistent with the
17 Morris County Agricultural Development Board
18 resolution of June 10th, 2010.

19 I thank you for your continued
20 courtesies in getting this matter accomplished.
21 Thank you.

22 MS. CRAFT: Okay. Thank you, Mr.
23 Grather.

24 Everyone that checked that they
25 were interested in testifying has testified, so

1 I'm thinking there's probably some other folks
2 that didn't check it off, so if you would please
3 raise your hands, I would be glad to recognize
4 you.

5 Yes, ma'am.

6 MS. BENSON: I didn't have my
7 glasses so I didn't see on there to check or not
8 to check. Can I make a comment?

9 MS. CRAFT: Please, come on up.

10 MS. BENSON: Can I check it?

11 MS. CRAFT: I'll check you off.

12 What's your name?

13 MS. BENSON: It's Rose Benson, and
14 I'm at 342 Flocktown Road. Rose Benson,
15 B-E-N-S-O-N.

16 ROSE BENSON, having been first duly sworn
17 according to law, testified as follows:

18 MS. BENSON: I realize that you
19 can't ask questions, so is there a way you can let
20 me know what meeting I can come to that I can ask
21 questions and have them be answered?

22 MS. CRAFT: What I can say to you
23 is that the SADC is not an expert in water
24 hydrology, so it very much depends on what the
25 questions are. If you would place your questions

1 on the record we'll have the ability to understand
2 whether that's something we can respond to you
3 with or we could see how willing the MUA would be
4 to answer any technical questions at a later
5 date.

6 MS. BENSON: Okay. Basically, I
7 had gotten the paperwork tonight, I came a few
8 minutes earlier and read it. It does talk about
9 geological studies and I was wondering if anywhere
10 in those studies is it available to the public
11 what the impact would be on this new well to
12 existing well owners. I have the same concern
13 that the other people had addressed, that I have a
14 well and, you know, 300 gallons a minute and I'm
15 wondering if somewhere down the road I would have
16 a problem, you know, getting water from my well,
17 which is only like 85 feet deep, so what the
18 ramifications would be, and also the liability to
19 the MUA or the Township should, you know, the
20 excessive taking or tapping of the water supply
21 should cause problems down the road.

22 Also, another thing that I was
23 wondering about was what was in the newspaper, I
24 was a bit confused on that. The facts were either
25 that .86 acres were needed or 18 acres, so then I

1 did read a little more detail but hopefully that
2 could be a little bit clearer to the public in the
3 future, you know, what's required, you know, and I
4 think it was a valid point, that maybe public
5 lands could be used instead of the farms. If it's
6 18 acres, you know, being used or condemned on
7 each farm, you know, that's going to result in
8 loss of farming, you know, revenues for corn or
9 whatever they farm it for, you know, from this day
10 forward from the time the well's done until many
11 years in the future, so I just kind of feel bad
12 for those people, that their property would be
13 taken in that way.

14 I had another question but I forgot
15 what it was.

16 MS. CRAFT: With respect to the
17 issue of clarification on 0.86 acres versus 18
18 acres, what the SADC has come to understand is
19 that the MUA's filing to take less than one acre,
20 literally, for the infrastructure. They need to
21 put this well in a 50 foot radius around it.
22 Until such time as -- it's my understanding that
23 until such time as additional testing is done and
24 the, the use of the land near that well is
25 assessed in detail, that radius can get much

1 bigger, and so at this point in time it's not
2 known for sure how big of an area the land would
3 be affected by the well, so that's why we had both
4 of those numbers. The .86 acres is the minimum
5 the MUA has filed for but as we sit and look at
6 how big that radius could be, it could go to
7 something significantly larger. We just don't
8 know the answer to that technical question at this
9 point in time.

10 With respect to making information
11 available, all of the information that's been
12 submitted by the MUA is a publicly available
13 document at our office. Now, what we will do is
14 we'll converse with the County to see whether
15 there's a way of making these documents available
16 to the public for inspection or over a website or
17 something, but --

18 MS. McCULLOCH: We could
19 potentially make them as pdf's.

20 MS. CRAFT: Jennifer McCulloch
21 represents the County Agriculture Board and the
22 County and SADC has worked through this issue
23 together in terms of coordination, so whatever
24 information we have, the County also has, so we --
25 Jennifer, is it safe to say we can make these

1 documents available for public inspection at the
2 County offices?

3 MS. McCULLOCH: Yes. Absolutely.
4 The reason I hesitate at all on the website is
5 because I don't know what the size of the pdf
6 files would be. I'm sure there's some limitations
7 on our website, but we do have these reports in
8 our office if you'd like to see them.

9 MS. BENSON: Where is the office
10 located?

11 MS. McCULLOCH: 30 Schuyler Place
12 in Morristown.

13 MS. CRAFT: I hate to put you on
14 the spot, but can you give a phone number for
15 people to call?

16 MS. McCULLOCH: Sure. It's
17 973-829-8120.

18 MS. BENSON: 8120?

19 MS. McCULLOCH: Right.

20 MS. BENSON: Great. Thank you.

21 MR. BOLIO: Can you repeat the
22 phone number, please?

23 MS. CRAFT: Jennifer, can you stand
24 up?

25 MS. McCULLOCH: I'm sorry.

1 973-829-8120.

2 MR. BOLIO: Your name, please?

3 MS. McCULLOCH: Jennifer
4 McCulloch.

5 PUBLIC MEMBER: What's your
6 department?

7 MS. McCULLOCH: Farmland
8 Preservation.

9 MS. CRAFT: Right, from Morris
10 County.

11 MS. McCULLOCH: If you call that
12 number, they'll assist you.

13 MS. CRAFT: Okay. Yes, sir.

14 MR. DeLIA: I did not say yes on
15 this but I'd like to --

16 MS. CRAFT: Could you give us your
17 name?

18 MR. DeLIA: Ralph DeLia, it's
19 D-E-L-I-A, 270 Fairview Avenue.

20 RALPH DeLIA, having been first duly sworn
21 according to law, testified as follows:

22 MR. DeLIA: It's just a quick thing
23 here. I just find this interesting, and I don't
24 know what it means, but it says here that the
25 WTMUA has been operating the Schooley's Mountain

1 water system with a growing and unacceptably high
2 rate of unaccounted water loss approaching 40
3 percent and that it's 25 percent over the standard
4 acceptable maximum limit. What I'm wondering,
5 does anybody know why? How is it evaporating?
6 What's happening there and how does that fit into
7 this entire equation of water supply?

8 MS. CRAFT: Thank you.

9 Yes, ma'am.

10 MS. OLSEN: Yeah. I didn't sign
11 either. My name is --

12 MS. CRAFT: Come on up.

13 MS. OLSEN: -- Kriss Olsen and I
14 live at 59 North Four Bridges Road. K-R-I-S-S and
15 O-L-S-E-N.

16 KRISS OLSEN, having been first duly sworn according
17 to law, testified as follows:

18 MS. OLSEN: I just wondered about
19 the preservation of the land. These farms are
20 going up for preservation. Once they're in
21 preservation will they be -- would they be able to
22 drill at that point? So is this a plan that -- we
23 have to get the wells before it goes into
24 preservation is my question?

25 MS. CRAFT: Okay. That actually is

1 an area we know enough about to answer your
2 question.

3 The Smith farm has proceeded
4 through the County Farmland Preservation process
5 and through the SADC's Preservation process to a
6 point where the SADC gave conditional final
7 approval for the preservation of the Smith farm,
8 conditioned upon the resolution of the
9 condemnation issue, all right, because the
10 appraisals that were done and all of the ranking
11 that was done, etcetera, did not contemplate a
12 condemnation, so a taking of any kind affects
13 configuration of the land, the size of the
14 property, so we would have to go back and kind of
15 take those things into consideration, so that is
16 the status of the Smith farm.

17 MS. OLSEN: But once it is
18 preserved, would they be able to go in and condemn
19 it at that point?

20 MS. CRAFT: When land is preserved
21 under the Farmland Preservation Program it is
22 subject to a perpetual, meaning forever,
23 easement. The only way a condemnation such as
24 this could occur after the farm is preserved is if
25 it was declared necessary to protect public health

1 and safety. Actually, it goes all the way up to
2 the Governor to declare that it's necessary and
3 that there are no feasible alternatives, so
4 condemnation of preserved farmlands has occurred
5 on a very limited basis throughout the -- for
6 example, the New Jersey Turnpike is widening, you
7 know, in Southern New Jersey and it's bumping into
8 some preserved farms, so we've had to go through
9 an exhaustive evaluation process. The project has
10 been deemed necessary and so we now work with the
11 Turnpike Authority to minimize it. I will say
12 that that is very strong protection and I think
13 it's fair to say that if this farm is already
14 preserved, this would be a more difficult test for
15 the MUA to achieve.

16 MS. OLSEN: Okay. All right.

17 MS. CRAFT: Yes. In the back.

18 MR. SPERANZA: I forgot to check it
19 off.

20 MS. CRAFT: Your name, sir?

21 MR. SPERANZA: Frank Speranza,
22 S-P-E-R-A-N-Z-A.

23 FRANK SPERANZA, having been first duly sworn
24 according to law, testified as follows:

25 MR. SPERANZA: I live at 71 Kim

1 Lane, Long Valley, known as The Woods of Long
2 Valley.

3 I've been a resident of Long Valley
4 for 10 years. I have -- we have had water
5 problems for the 10 years that we've lived here,
6 with the exception of the last either three or
7 four years that water restrictions have been put
8 in place. I'm not going to stand here tonight and
9 say what should be done. I think the details are
10 far too great. What I'm here to say is that I
11 think it's very important that all parties are
12 aware that I'm a real life person and there's a
13 lot of other real life people that have a serious
14 problem with water. I have -- I could fill this
15 room if I were to just get the residents of our
16 neighborhood tonight. I found out about this
17 meeting very late. We have filled rooms at the
18 library in town, we have filled rooms at the MUA
19 and we've filled rooms at the Senior Citizen
20 Center. There are more than 12 people with a
21 problem. There are 70 families in my
22 neighborhood. There are multiple people
23 throughout the town that I have spoken to that
24 have water problems. Fortunately, the
25 restrictions have helped us and we've not had a

1 problem, but one weekend -- and I've lost water
2 more than one day, but that Memorial Day Weekend,
3 and everybody said it was 2007, I thought it was
4 2006, but I lost water in my home and so did
5 several other people throughout town for four
6 days. I don't know if anybody knows what it's
7 like to be without water for four days when you
8 have a family and raising children. Again, I'm
9 not here to say what should be done to cure the
10 problem. I'm here to say that there's a problem
11 and I want -- somebody needs to be up here
12 representing those people that deal with that
13 problem, because those people like myself do the
14 right thing. We pay our taxes. We love this town
15 just like everybody else, but we're expecting that
16 all the people involved, and that's the MUA, this
17 Board, everybody involved, to just do the right
18 thing. We need to provide water for the
19 residents, for all the residents, and we just need
20 to do the right thing. That's all I'm going to
21 ask. All the parties involved, please just do the
22 right thing.

23 Thank you.

24 MS. CRAFT: Thank you, sir.

25 Yes, sir.

1 MR. WOLFE: Hi.

2 MS. CRAFT: Your name?

3 MR. WOLFE: My name is Bill Wolfe,
4 W-O-L-F-E. I live at 23 Gulick Road in Ringoes,
5 and that's Hunterdon County.

6 BILL WOLFE, having been first duly sworn according
7 to law, testified as follows:

8 MR. WOLFE: I'm here just based on
9 the newspaper article. Frankly, I haven't had a
10 chance to review the documents, but in reading
11 your draft resolution, in terms of your concerns,
12 I have concerns with your concerns. I come at
13 this from, looking at it from an environmental and
14 water allocation standpoint, so I'm greatly
15 concerned about the issues of competing uses for
16 water, for public water supply as well as
17 competing uses of the water for the State, for the
18 ecological services they provide. I was involved
19 in DEP programs and the Highlands Act and I'm an
20 advocate for, obviously for both, recognizing the
21 natural ecological functions of water as well as
22 their constraints on growth and development, so I
23 strongly agree with your first two points. I
24 mean, I think it's reckless that the public entity
25 is wasting water, noncompliance with water yet

1 feels to take extraordinary measures like
2 condemning lands when they haven't done their own
3 system engineering improvements, so I would agree
4 strongly with point number one.

5 Point number two is very, very well
6 taken, as well, but again, those go to
7 deficiencies in the water supply planning process
8 at the State level that the MUA should be
9 accountable to. I think you have to point your
10 muscles at the DEP there in terms of what they're
11 willing to tolerate in terms of allowing local
12 water authorities to both violate their criteria
13 and not do good and sound planning, so -- but
14 where I have a problem is in point number three
15 and point number four. I don't think it's the
16 intent, unless I can -- well, I can clarify that,
17 that the SADC would be supporting a policy whereby
18 you would oppose limitations on your applications
19 of pesticides and fertilizers that may impact
20 public water supply or in any way challenge the
21 DEP's authority to limit those things, so that, to
22 me, is problematic, the way that's phrased.

23 Point number four, with respect to
24 the -- I don't know what viability you're
25 concerned with, the viability of other nearby

1 farms in the Morris ADA, and I think that goes to
2 the question of competing water. I'm assuming
3 it's not a land use issue. It's not a
4 condemnation issue. I think that's probably
5 dealing with the available water, and again, I
6 would -- for the public that's here and as a
7 policy matter, it's your policy body. I'm
8 concerned with competing uses for agricultural
9 versus water supply versus ecological function,
10 and my understanding is that the agricultural uses
11 are registration only and not subject to water
12 allocation reviews at the DEP, and water
13 allocation evaluates the impacts on neighboring
14 wells, the impacts on natural environments, the
15 impacts on the river and those kind of things are
16 all evaluated in the DEP process. They don't
17 happen for agricultural usage, so I would like to
18 get the SADC on a progressive vein to say we're
19 willing to surrender and seek, you know, the same
20 level or review that the MUA would undergo for
21 their water allocation permit, and the
22 agricultural use would do the same thing. See, so
23 this dispute has tripped very, very important
24 issues right now, as we are in another drought and
25 flood cycle, but the body, like the SADC, if it

1 would get -- how should we say, if it would adhere
2 to the type of progressive planning and good
3 thinking that it's encouraging the MUA to embrace,
4 then good progress could come out of this and
5 policies could change, practices could change, and
6 obviously you could get a solution, better
7 solution to the global problem, but the local
8 problem is framed by a very seriously flawed State
9 policy framework under both the Water Supply
10 Management Plan, the water allocation regulations
11 and the permit requirements for those permittees,
12 and anything you could do to help that, because I
13 don't think the farmers of the State want to be
14 tagged with we got ours and you go find yours, go
15 rent water for four days, you know. I heard
16 somebody making that point. I don't think the
17 farmers of the State would publicly want to
18 support that kind of position. By the same token,
19 the MUA doesn't really have a really strong case
20 here either, so that's just my set of concerns.

21 If there's anything you could do in
22 how you pursue your resolutions in the future in
23 terms of clarifying, with a little more clarity in
24 terms of what you're -- whether it's a procedural
25 issue with condemnation, if you could keep it to

1 the -- because if this thing goes to litigation,
2 Mr. Turner's in the room, I want something to come
3 out of this that undermines the allocation process
4 and the restrictions that currently are in place
5 at the State level when it comes to either
6 agricultural or condemnation, so if you can narrow
7 it to a procedural thing and force the MUA to fix
8 the problem before they have to get to
9 condemnation, that, to me, is preferable to very
10 ambiguous concerns with respect to agricultural
11 land use, agricultural registration, water
12 withdrawal and adjacent -- I'm assuming it means
13 adjacent, hydrological impacts from adjacent
14 farms.

15 MS. CRAFT: Great. Thank you, very
16 much.

17 MR. SMITH: If I may say one other
18 thing?

19 MS. CRAFT: Just a second, Mr.
20 Smith.

21 Is there anyone else in the public
22 that would like to make a comment?

23 Yes, sir.

24 MR. BOLIO: Steve Bolio, and it's
25 B-O-L-I-O, 183 Naughtright, N-A-U-G-H-R-I-G-H-T,

1 Road.

2 STEVE BOLIO, having been first duly sworn
3 according to law, testified as follows:

4 MR. BOLIO: Just a couple quick
5 comments.

6 I'm on a private well. I do have
7 concerns about the impact to my well if this
8 proposal does go through. One of the questions I
9 have is what mitigation will be done to myself or
10 any of the other residents if there's any impact
11 on the private wells? Two, the fact that they are
12 losing 40 percent of what they already take in
13 with their current system, it seems to me they
14 should fix their current system before they look
15 at drilling new wells. Can we expect another 40
16 percent loss over what they get from these wells?
17 Three, you know, water loss for everyone is a
18 difficult situation. I have experienced it. My
19 parents' well went dry Christmas day a few years
20 ago. You know, it's very difficult. I could
21 understand people with public water being without
22 water, it's a real inconvenience to them, but
23 someone on a private well whose well goes dry is
24 going to be out of water a heck of a lot longer
25 than four days, so these are some concerns that I

1 have and hopefully, you know, a detailed analysis
2 will be done to fully review and research all the
3 potential impacts of the private well owners.

4 Thank you.

5 MS. CRAFT: Thank you.

6 Yes, sir.

7 MR. ROGERS: My name is Tom Rogers
8 and my address is 357 Drakestown Road, Long
9 Valley. It's R-O-G-E-R-S.
10 THOMAS ROGERS, having been first duly sworn
11 according to law, testified as follows:

12 MR. ROGERS: Let me just shoot
13 myself in the foot first, because I'm a local
14 plumber in town here. I've also been a resident
15 for 35 years. I came here tonight a little bit
16 late, but this little area up here that we're
17 talking about was about the same spot that 40
18 years ago we were talking about putting a dump
19 site in town and at that point it was the perfect
20 place because the aquifer is just right, no place
21 to be bothered, and now, all of a sudden this is
22 the spot that the -- that you're taking the water
23 from, so it doesn't make sense to me. I live
24 right down the road here and my concern is that a
25 lot of the houses up in this area, they're older

1 houses in town, this area wasn't developed that
2 much and now we're drilling out of 80 feet, 100
3 feet of water. You don't have to be a rocket
4 scientist to realize water up here, drilling down
5 here, you're going to have a lot of dry wells. Is
6 the town making any provisions? I know we talked
7 about it for years and years, about gas and water
8 and sewers coming up on top of the mountain, if
9 needed, and that was never -- oh, you won't have
10 to worry, don't worry about it, don't worry about
11 it. We're going to be sitting up here buying
12 bottled water. We been drinking great water for
13 years. Right over here is Schooley's Mountain,
14 greatest aquifer in the State. For years and
15 years people came from all over the place and all
16 of a sudden the water is going to be dropping
17 down. That's our concern. It's not a personal
18 thing but what happens when our wells go dry?
19 We're talking about places on Bardley Road going
20 bad, you know. You got to take care of the people
21 that are up there. We been there for a long time.

22 That's all I got to say. Thank
23 you.

24 MS. CRAFT: Thank you, sir.

25 Mr. Rogers, have you signed in?

1 Probably not.

2 MR. ROGERS: I'm going to do it
3 later.

4 MS. CRAFT: Thank you. I put your
5 name down, if you want to leave your contact
6 information.

7 MR. ROGERS: I'll catch you later.

8 MS. CRAFT: Anyone else like to
9 make a comment?

10 Mr. Smith.

11 MR. SMITH: Yes. I'd like to
12 follow-up on Mr. Rogers' comments.

13 My parcel of land is here. It's
14 104 acres. It's known as the head of the -- it's
15 southwest of the river. It's 104 acre aquifer.
16 At the west end -- oops. At the west end of the
17 southern end it's actually the beginning. The
18 streams and ponds start to outflow and down River
19 Road right in they actually -- it's the
20 beginning. They cause the south branch, the
21 Raritan River. The outflow is approximately eight
22 feet wide, two or three feet deep and constantly
23 running, year in and year out. On the northern
24 part I have a pond. The outflow is probably about
25 seven, eight feet, two or three feet deep. It

1 creates a creek which is the northern part of the
2 south branch and that is the main supply to Budd
3 Lake, the largest body of, of natural water in the
4 State of New Jersey. I feel this time it will
5 take a lot of Government action to impede the flow
6 of water off my property to Budd Lake because it's
7 the largest public natural lake in the State. No
8 one's going to allow that to get mucked up or
9 dried out, and the depth of Budd Lake is from six
10 to eight feet and it covers probably about 80
11 acres and I, so I don't think that the powers to
12 be are going to muck up the environment that much.
13 Also, with the DEP -- I mean, the public should be
14 fully aware that there are multiple records down
15 at the Morris County Ag Board, and if you really
16 want to review the facts and really know what's
17 been happening, you should go down there and read
18 the reports. I just want to apprise you people,
19 the public, what they did to me and other farm
20 owners. What the Washington MUA did was falsify
21 applications for well permits to the DEP, and this
22 is my block and lot, Block 4, Lot 12, the property
23 owner records, as provided by the MUA and the MUA
24 Director, Paul Costic, lists Washington Township
25 as the owner of the -- of my 103 acre farm and Mr.

1 Paul Costic signed as the owner and resident, I
2 guess. On the Scheffler property the MUA did the
3 exact same thing. They listed the current
4 ownership, property owners as Robert and Cynthia
5 Shepperd --

6 PUBLIC MEMBER: That's Scheffler.

7 MR. SMITH: -- Scheffler, but then
8 when it came to the owner's Certification
9 Statement, it is signed Paul Costic. Also, with
10 the Helen Searles property, it's listed as the
11 correct block and lot, Block 20.10, Lot 44, and
12 again, property ownership was -- they listed it in
13 the name of the Washington Township MUA, 172
14 Flocktown Road, describe it as a vacant lot. It
15 is not a vacant lot. There are houses and farms
16 on it. Mr. Costic signs it as owner, in fact, and
17 my adjoining neighbor, Walter Fellows, for the
18 last 50 years he's Block 12, Lot 5.01, he owns 39
19 acres, and again, the Washington Township, when
20 they applied for these permits they listed the MUA
21 as the owner and signed off as Paul Costic, owner,
22 per se. The reason why I point this out is after
23 it came to my attention, when it came to my
24 attention through attending meetings at the Morris
25 County Agriculture Board and having conversations

1 with representatives from the State Agricultural
2 Committee, I then inquired at the DEP of a Pat
3 Bono, the gal in charge of water permitting and
4 water allocation, fresh water safety and other
5 items pertaining to fresh water within the State.
6 She reviewed the applications and she deemed on
7 April 8th, 2010 that, in fact, the requests and
8 permits for the various properties have been
9 cancelled at the request of the various owners.
10 This was done principally by me, for my
11 properties, and I believe Mrs. Bette Stephens
12 wrote a similar request for her mother's property
13 on Flocktown Road. The other two people are not
14 aware of what has happened to their property and
15 the DEP had no problem, they revoked the permits
16 quickly. I wrote them on March 11th. They pulled
17 the permits on April 8th and they cite that the
18 Department did cancellation of these permits
19 because there was misrepresentations and false
20 statements made by the applicant/owners or the
21 licensed engineers working or employed by the
22 Township MUA, so, you know, we are here tonight
23 talking about all this stuff. We've also talked
24 about the NOI at the County level and Notice of
25 Intent at the State level. It is my opinion that

1 when this thing first came to light, the attorneys
2 for the Morris County Development Board and the
3 attorneys for the State Ag Board should have
4 simply thrown this matter out completely. It has
5 no legal merit whatsoever. It was started with
6 fraudulent actions and there's no way that you can
7 make a fraud into a truth. When it starts out
8 rotten, it stays rotten.

9 I'm very sympathetic with the water
10 use of my neighbors. In fact, when the MUA came
11 to me to seek access to the property to do certain
12 testings and soundings, I didn't object one bit.
13 They told me what they were gonna' do, preliminary
14 soundings, geological exploration, and I had
15 absolutely no problem with that at all, and the
16 reason why I had no problem at all with that, I
17 was told that this well would only -- first, would
18 only have a 10 foot diameter. Fine. A couple
19 weeks later it went to 30 feet, then it went to 50
20 feet, then it went to 100 feet. The whole
21 Schooley's Mountain is aquifer. You've heard from
22 other people saying they have water problems on
23 Schooley's Mountain. I lived on Schooley's
24 Mountain for all of my life. I'm 63 years of
25 age. There's water all over that mountain. It's

1 strict -- it's all potable water. The
2 intersecting road's called Reservoir Road. You
3 heard a few people allude to the fact that in the
4 1900's it was a massive health resort from the
5 east side of Schooley's Mountain to the west side,
6 it's all documented, and to say that there is
7 total lack of potable water is bull, because the
8 only reason why we have a Municipal Water
9 Authority at this point in time is that it was a
10 money making, a revenue producing source by the
11 municipalities. Because anybody who built in
12 Washington Township prior to 1979 were all -- we
13 all had our own public wells. It's only when the
14 Toll brothers' project came in or the Rigaletti
15 projects came in, especially when the Quail Ridge
16 project came in, the town fathers got together and
17 said this is a very good money making situation,
18 we'll give them a little steward and give them a
19 little water and give them a big fat water --
20 quarterly water and sewer bill. All these places
21 in Quail Ridge and the Woods, they can stick a
22 well on the one acre lots or five acre lots. The
23 Woods done by Toll Brothers, a 94 acre subdivision
24 where you have approximately 39 homes, there's a
25 70 acre Woods Homeowner's Association parcel.

1 Now, that whole 70 acre parcel, you better believe
2 there's water, but the thing that scared the hell
3 out of the people in the Woods is that the town,
4 after 2007, were going to erect water towers.
5 They weren't going with a new well. They were
6 doing water towers and so, so it scared
7 everybody. It scared me, too, because they wanted
8 to put a water tower in the Cucinella School and,
9 of course, Mr. Costic said Bob, you won't notice
10 that it's there, you got green trees and we're
11 gonna' paint the tank green, so, likewise, these
12 people in the Woods, after spending, you know, a
13 considerable amount of money from the Toll
14 Brothers to buy their homes, to have \$14,000,
15 \$18,000 taxes, to not have adequate water supply,
16 to have water bills that average sometimes \$1,400
17 a quarter, you know, deserve some kind of relief.
18 The relief should be that they should be allowed
19 to do a well on the 70 acres that the Homeowner's
20 Association owns. Mr. Costic explained to me
21 many, many times that there are multiple large
22 lots in Long Valley, all along Naughtright, all
23 along Flocktown, all along Drakestown. All they
24 need for a well is a 50 foot radius, you know, put
25 the pipe in the ground, keep that area clean and

1 safe. The only reason why it fouls me up is
2 because they decided to come on to four ADA
3 preserved farms. Why they decided to do that, we
4 all have -- I have a nice farm road. They just
5 drove up and started digging, where there's
6 sounding, where they would find water, but there
7 are multiple areas all along Naughtright, up at
8 East Spring Lane. Up here at the corner of Spring
9 Lane and Naughtright there's a 30 acre parcel.
10 It's not even under farmland assessment. In fact,
11 the backyards of many of the people in the Woods
12 subdivision, those lots, they have areas that are
13 200 by 250 with no water or sewer lines running.
14 They parallel the existing water lines into
15 Naughtright Road. They could put a well in any one
16 of those people's backyards, and there's probably
17 eight to 10 homes that back on to Naughtright. The
18 homes sit approximately 300 feet up from the
19 street, you know, so what's all this problem about
20 water, you know, all you have to do is drill a
21 well and put a hydrant in and there it is,
22 connected to the, to the system.

23 My problem is that they take out 18
24 to 20 acres of my farmland to perpetuity, I suffer
25 a real financial loss. They have evaluated the

1 property at \$25,000 an acre. The farm appraisals,
2 even the Integra Group had valued it at \$22,500 an
3 acre. You do \$25,000 times approximately 20
4 acres, I'm out \$500,000, you know. I've incurred
5 legal expenses approaching \$30,000. Also, I have
6 a commitment to my attorneys for a one-third
7 percentage of whatever I win or lose and, you
8 know, they also -- by also putting a well on my
9 property, they force me to divert my farm road,
10 which is 2,500 feet. The SADC has allowed me to
11 have a one acre exemption site which this 18 acre
12 cuts into. That was appraised at a low of 200,000
13 and a high of \$349,000. I lose that. So you're
14 talking, just on the 20 acres, \$800,000, plus or
15 minus, lost to me. Yet, if this nonsense
16 continues and I do not complete the sale for
17 preservation, someone's going to be responsible
18 for me losing \$2-and-a-half million, because the
19 sale will go, you know, and fall through and I
20 will not receive that money. Of course, the State
21 encounters paying me approximately, for your
22 knowledge, about 1.4 million, but they value the
23 residual value of a land, at least \$10,000, that's
24 how I came up to the full price of \$25,000 an
25 acre, plus or minus, so I have a real stake

1 financially in this. My family has been here
2 since the 1700's, you know. The property, it's
3 over a mile frontage. I keep the whole place well
4 manicured. I'm proud to say I'm a resident of
5 Mount Olive, across the street, but I'm also a
6 taxpayer and an owner of property in Long Valley.
7 I've worked, you know, very hard to keep the place
8 up towards, you know, a credit to the community,
9 so thank you, again.

10 MS. CRAFT: Any final comments?
11 Last call.

12 Okay. Seeing none, we're going to
13 close the public hearing. I want to thank
14 everyone for coming out and for having such an
15 open and civil discourse. This is very helpful to
16 the Committee and to the State in general. We are
17 very much aware that there's competing interest
18 for water. We are very much aware that people who
19 have homes cannot have their water supply running
20 dry, believe me, and we appreciate very much the
21 input you've provided and we hope we can do this
22 process with justice in our final report. We'll
23 be handing that off to the DEP and the Court and
24 all of the other hands that this matter will go
25 into when the SADC has done their deliberations,

1 so again, thank you, very much. You have Jennifer
2 McCulloch's phone number and name, to her chagrin,
3 to call and inspect those documents, if you want
4 to inspect those documents. Otherwise, if you
5 have any questions, our phone number and our
6 website is in the hand-out. Please feel free to
7 contact us.

8 Thank you and good night.

9 (At 8:40 p.m., proceedings were
10 concluded.)
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CERTIFICATION

I, MICHELLE GRUENDEL, CCR, do hereby certify that the above proceedings were recorded stenographically by me and reduced to typewriting by me.

I FURTHER CERTIFY that the foregoing transcript of the said hearing is a true and correct transcript of the testimony given by the said witness at the time and place specified hereinbefore.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.



Michelle Gruendel

MICHELLE GRUENDEL, CCR

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